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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,701	10/08/2001	Bruno Jandasek	201-0133 DBK	1549

28395 7590 06/16/2005
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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,701

Applicant(s)

JANDASEK ET AL.

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

STATUS

Claims 1-16, and 19-23 are pending.

Response to Arguments

The Applicants arguments filed on April 5, 2005 have been fully considered. The amended claims are rejected as being unpatentable over the newly discovered references Evans et al. (US Patent 6,775,647) in view of Foley (US Patent 5,249,120). See following rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 16, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US Patent 6,775,647) in view of Foley (US Patent 5,249,120).

As per claim 1

Evans et al ('647) discloses a system for generating a cost estimate, the system configured to:

output a first value chain for the at least one item by the item's constituent component(s) and supply tier wherein the value chain includes an image and burden information for the at least one item and each of its constituent components. (Figure 16, Column 7, lines 19-29 [a cost model for the component is constructed, it includes the price of each part])

Evans does not explicitly disclose "receive input specifying at least one item to add to a cost estimate wherein a burden associated with the at least one item is automatically added to the cost estimate" Foley discloses "receive input specifying at least one item to add to a cost estimate wherein a burden associated with the at least one item is automatically added to the cost estimate" (Figure 1; Column 7, lines 5-17, [the user can change parameters in the database which includes adding items])

Claims 12 and 19 are in parallel with claim 1 and are rejected for the same reasons.

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As per claim 2,
Evans et al ('647) discloses the system of claim 1
additionally configured to output an embedded value chain associated with an item
displayed in the first value chain wherein the embedded value chain is illustrated by supplier tier
and includes an image and burden information for at least one item within the embedded value
chain. (Column 2, lines 8-14)

Claim 13 is in parallel with claim 2 and is rejected for at least the same reasons.

As per claim 3,
Evans et al ('647) discloses the system of claim 1
additionally configured to expand and decrease a level of detail for the burden
information associated with the at least one item. (Figure 12)

Claim 14 is in parallel with claim 3 and is rejected for at least the same reasons.

As per claim 4
Evans et al ('647) discloses the system of claim 1
wherein the burden information associated with the at least one item includes design cost
information. (Column 5, lines 19-30)

As per claim 5
Evans et al ('647) discloses the system of claim 1
wherein the burden information associated with the at least one item includes controls cost
information. (Column 5, lines 19-30)

As per claim 6,
Evans et al ('647) discloses the system of claim 1
additionally configured to receive input defining a labor rate structure used in calculating
burden information for the cost estimate. (Figure 21)

As per claim 7
Evans et al ('647) discloses the system of claim 1
additionally configured to output the cost estimate in a format similar to a supplier's cost
estimate format. (Figure 21)

Claims 16 and 20 are in parallel with claim 7 and are rejected for at least the same
reasons.

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As per claim 8

Evans et al ('647) discloses the system of claim 1 wherein the cost burdens associated with the items included in the cost estimate and value chain are populated based on a database of cost burdens. (Column 4, lines 34-37)

As per claim 9

Evans et al ('647) discloses the system of claim 8 wherein the cost burdens maintained within the database are globally updated based on an index value which reflects fluctuations in market pricing for items included in the database. (Column 4, lines 53-56)

As per claim 10

Evans et al ('647) discloses the system of claim 9 wherein the index is calculated based on price fluctuations experienced in a subset of items generally representative of other items maintained in the database. (Column 4, lines 53-56)

Claims 15 and 23 are in parallel with claim 10 and are rejected for at least the same reasons.

As per claim 11

Evans et al ('647) discloses the system of claim 8 wherein the database of cost burdens include negotiated, best-in-class and off-the-shelf costs for at least one item. (Column 4, lines 22-33)

As per claim 21,

Evans et al ('647) discloses the system of claim 21. additionally comprising a means for reducing and expanding a scope for the value chain. (Figure 12)

As per claim 22

Evans et al ('647) discloses the system of claim 19 additionally comprising: a means for outputting a plurality of burdens associated with the at least one item; and a means for expanding and reducing a level of detail in which the plurality of burdens are output. (Figure 12)

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]
(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

June 11, 2005


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222